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August 10, 2005

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 1636

Attn: Mail Stop Amendment

Re: U.S. Utility Patent Application
Application No. 10/792,035; Filed: March 4, 2004
For: **Methods and Compositions for Synthesis of Nucleic Acid Molecules
Using Multiple Recognition Sites**

Inventors: CHESNUT *et al.*
Our Ref: 0942.5340005/BJD/JKM

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Credit Card Payment Form (PTO-2038) in the amount of \$450.00 to cover the appropriate fee for a 2-month extension of time;
2. Petition for Extension of Time Under 37 C.F.R. § 1.136(a);
3. Reply to Restriction Requirement; and
4. One (1) return postcard.

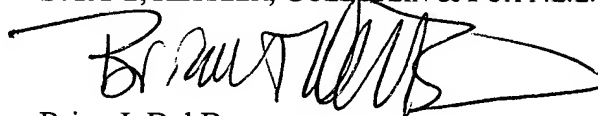
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
August 10, 2005
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The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Brian J. Del Buono", with a large, sweeping flourish extending to the right.

Brian J. Del Buono
Attorney for Applicants
Registration No. 42,473

BJD/nef
Enclosures

431340_1.DOC



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
CHESNUT *et al.*

Appl. No. 10/792,035

Filed: March 4, 2004

For: **METHODS AND
COMPOSITIONS FOR
SYNTHESIS OF NUCLEIC
ACID MOLECULES USING
MULTIPLE RECOGNITION
SITES**

Confirmation No.: 1259

Art Unit: 1636

Examiner: Ketter, J.

Atty. Docket: 0942.5340005/BJD/JKM

Reply to Restriction Requirement

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Restriction Requirement dated **June 9, 2005**, Applicants hereby elect invention II, claims 16-36 and 40-43, drawn to methods of cloning a nucleic acid, classified in class 435, subclasses 91.2 and 91.41, with traverse. The Restriction Requirement lists the following allegedly distinct inventions:

- I. Claims 1-15, 37-39, 44 and 45, drawn to nucleic acids, vectors or kits containing same, and host cells containing said vectors, classified in class 435, subclasses 320.1 and 325.
- II. Claims 16-36 and 40-43, drawn to methods of cloning a nucleic acid, classified in class 435, subclasses 91.2 and 91.41.

Although inventions I and II are alleged in the Office Action to be patentably distinct, they are directed to similar, overlapping subject matter. According to M.P.E.P. § 803:

"If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct invention."


Because the subject matter of inventions I and II is clearly related as evidenced by classification of both inventions in class 435, searching these groups together would not place a serious burden on the examiner within the meaning of M.P.E.P. § 803. A general search of the subject matter encompassed by the claims of group II would necessarily produce results within both inventions.

In view of the comments presented above, Applicants respectfully request reconsideration and withdrawal of the restriction requirement, and that inventions I and II be examined together.

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Brian J. Del Buono
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Date: August 10, 2005

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